

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TAMMY KITZMILLER, et al.,)	
Plaintiffs,)	Case No. 04-CV-2688
)	(Hon. Judge Jones)
v.)	
)	(Filed Electronically)
DOVER AREA SCHOOL DISTRICT and)	
DOVER AREA SCHOOL DISTRICT)	
BOARD OF DIRECTORS,)	
)	
Defendants.)	
_____)	

**DEFENDANTS' MOTION TO COMPEL NONPARTIES,
MALDONADO, BERNHARD-BUBB, YORK DISPATCH, AND
YORK COUNTY DAILY RECORD, TO COMPLY WITH SUBPOENAS**

Defendants move this court pursuant to Fed. R. Civ. P. 37 and 45 to compel nonparty witnesses, Joseph Maldonado, Heidi Bernhard-Bubb, *York Dispatch*, and *York County Daily Record*, to comply with subpoenas served on them by defendants. Defendants request an order from this court requiring these nonparty witnesses to comply with the subpoenas served on them by defendants in this

action. In support of this motion, defendants rely on their brief and exhibits, which have been filed with this motion

Defendants and counsel for the nonparty witnesses were unable to reach a resolution of this motion as of the date of its filing. Plaintiffs' counsel have authorized defendants to state that "[p]laintiffs oppose any protective order that would result in the reporters not having to testify at trial regarding the subject matter averred to in their affidavits. Otherwise, plaintiffs take no position on your proposed motion to compel."

Defendants respectfully request that this court grant them the relief sought.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Richard L. Thompson", is written over a horizontal line.

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Dated: June 15, 2005

Counsel for defendants

CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2005, a copy of the foregoing defendants' motion to compel and proposed order was served on the following counsel through the electronic case filing system and via U.S. Mail, postage prepaid, and by fax where noted:

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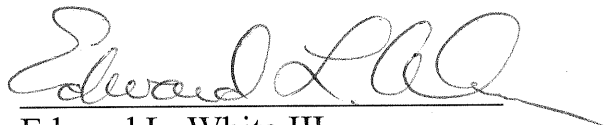
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A handwritten signature in cursive script, reading "Edward L. White III". The signature is written in dark ink and is positioned above a horizontal line.

Edward L. White III
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